

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN SAMUEL BURTON, #358780,

Petitioner,

v.

CASE NO. 2:14-CV-11760
HONORABLE VICTORIA A. ROBERTS

DEWAYNE BURTON,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR A
CERTIFICATE OF APPEALABILITY AND DENYING HIS
APPLICATION TO PROCEED IN FORMA PAUPERIS ON APPEAL**

This matter is before the Court on Petitioner's Motion for a Certificate of Appealability and his Application to Proceed In Forma Pauperis on Appeal concerning the Court's May 28, 2020 decision denying his Amended Petition for a Writ of Habeas Corpus. The Court, however, denied a Certificate of Appealability and denied leave to proceed in forma pauperis on appeal when it denied habeas relief. The Court finds no reason to reconsider that decision. A motion for reconsideration which presents issues already ruled upon by the Court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner fails to meet his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). The Court properly denied habeas relief and properly denied a Certificate of Appealability and leave to proceed in forma pauperis on appeal. Accordingly, the

Court **DENIES** Petitioner's Motion for a Certificate of Appealability and his Application to Proceed In Forma Pauperis on Appeal. This case is closed.

IT IS SO ORDERED.

s/ Victoria A. Roberts
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

Dated: September 21, 2020